

[First Reprint]

SENATE, No. 1909

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 30, 2002

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SYNOPSIS

Permits human stem cell research in New Jersey.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on November 25, 2002, with amendments.

(Sponsorship Updated As Of: 12/16/2003)

1 AN ACT concerning human stem cell research and supplementing Title
2 26 of the Revised Statutes ¹and Title 2C of the New Jersey
3 Statutes¹.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. The Legislature finds and declares that:

9 a. An estimated 128 million Americans suffer from the crippling
10 economic and psychological burden of chronic, degenerative and acute
11 diseases, including Alzheimer's disease, cancer, diabetes and
12 Parkinson's disease;

13 b. The costs of treating, and lost productivity from, chronic,
14 degenerative and acute diseases in the United States constitutes
15 hundreds of billions of dollars annually. Estimates of the economic
16 costs of these diseases does not account for the extreme human loss
17 and suffering associated with these conditions;

18 c. Human stem cell research offers immense promise for
19 developing new medical therapies for these debilitating diseases and
20 a critical means to explore fundamental questions of biology. Stem
21 cell research could lead to unprecedented treatments and potential
22 cures for Alzheimer's disease, cancer, diabetes, Parkinson's disease and
23 other diseases;

24 d. The United States has historically been a haven for open
25 scientific inquiry and technological innovation; and this environment,
26 combined with the commitment of public and private resources, has
27 made this nation the preeminent world leader in biomedicine and
28 biotechnology;

29 e. The biomedical industry is a critical and growing component of
30 New Jersey's economy, and would be significantly diminished by
31 limitations imposed on stem cell research;

32 f. Open scientific inquiry and publicly funded research will be
33 essential to realizing the promise of stem cell research and maintaining
34 this State's leadership in biomedicine and biotechnology. Publicly
35 funded stem cell research, conducted under established standards of
36 open scientific exchange, peer review and public oversight, offers the
37 most efficient and responsible means of fulfilling the promise of stem
38 cells to provide regenerative medical therapies;

39 g. Stem cell research, including the use of embryonic stem cells for
40 medical research, raises significant ethical and public policy concerns;
41 and, although not unique, the ethical and policy concerns associated
42 with stem cell research must be carefully considered; and

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted November 25, 2002.

1 h. The public policy of this State governing stem cell research
2 must: balance ethical and medical considerations, based upon both an
3 understanding of the science associated with stem cell research and a
4 thorough consideration of the ethical concerns regarding this research;
5 and be carefully crafted to ensure that researchers have the tools
6 necessary to fulfill the promise of this research.

7
8 2. a. It is the public policy of this State that research involving the
9 derivation and use of human embryonic stem cells, human embryonic
10 germ cells and human adult stem cells¹ [from any source]¹, including
11 somatic cell nuclear transplantation, shall:

12 (1) be permitted in this State;

13 (2) be conducted with full consideration for the ethical and medical
14 implications of this research; and

15 (3) be reviewed, in each case, by an institutional review board
16 operating in accordance with applicable federal regulations.

17 b. (1) A physician or other health care provider who is treating a
18 patient for infertility shall provide the patient with timely, relevant and
19 appropriate information sufficient to allow that person to make an
20 informed and voluntary choice regarding the disposition of any human
21 embryos remaining following the infertility treatment.

22 (2) A person to whom information is provided pursuant to
23 paragraph (1) of this subsection shall be presented with the option of
24 storing any unused embryos, donating them to another person,
25 donating the remaining embryos for research purposes, or other means
26 of disposition.

27 (3) A person who elects to donate, for research purposes, any
28 embryos remaining after receiving infertility treatment shall provide
29 written consent to that donation.

30 c. (1) A person shall not knowingly, for valuable consideration,
31 purchase or sell, or otherwise transfer or obtain, or promote the sale
32 or transfer of, embryonic or cadaveric fetal tissue for research
33 purposes pursuant to this act; however, embryonic or cadaveric fetal
34 tissue may be donated for research purposes in accordance with the
35 provisions of subsection b. of this section ¹or other applicable State or
36 federal law¹.

37 For the purposes of this subsection, "valuable consideration" means
38 financial gain or advantage, but shall not include reasonable payment
39 for the removal, processing, disposal, preservation, quality control,
40 storage, transplantation, or implantation of embryonic or cadaveric
41 fetal tissue.

42 (2) A person or entity who violates the provisions of this
43 subsection shall be ¹guilty of a crime of the third degree and,
44 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, shall
45 be¹ subject to a ¹[civil penalty of not more than]fine of up to¹
46 \$50,000¹ [, or imprisonment for a term of not more than five years, or

1 both,]¹ for each ¹[such incident. The Commissioner of Health and
2 Senior Services shall enforce the provisions of this subsection and may
3 make complaints against persons violating its provisions or the rules
4 or regulations issued thereunder and prosecute violations of
5 same]violation¹.

6

7 ¹3. A person who knowingly engages or assists, directly or
8 indirectly, in the cloning of a human being is guilty of a crime of the
9 first degree.

10 As used in this section, "cloning of a human being" means the
11 replication of a human individual by cultivating a cell with genetic
12 material through the egg, embryo, fetal and newborn stages into a new
13 human individual.¹

14

15 ¹[3.] 4.¹ This act shall take effect immediately.